

CHAPTER 20.10

RESIDENTIAL DISTRICTS

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20.10.010 Specific Purposes

Residential district regulations are intended to:

- A. Locate residential development in areas which are consistent with the General Plan and with standards of public health and safety established by the Municipal Code.
- B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.
- C. Promote development of quality housing affordable by low- and moderate- income households by providing a density bonus for projects in which a portion of the units are affordable for such households.
- D. Protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards.
- E. Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to multi-family development.
- F. Achieve design compatibility with surrounding neighborhoods.
- G. Provide sites for public and semipublic land uses which complement residential development or which require a residential environment.
- H. Provide public services and facilities to accommodate planned population and densities.

Specific residential districts are as follows:

Residential-Agricultural (R-A) District. Provides areas for single-family residential and light farming land uses.

Single-Family Residential (R-1) District. Provides areas for single-family residential land uses.

Restricted Two Family Residential (R-1.5) District. Provides areas for single-family and two family residential land uses with the total gross floor area of all buildings limited to a maximum floor area ratio of 1.5 times the buildable area.

Two Family Residential (R-2) District. Provide areas for single-family and two-family residential land uses.

Medium Density Residential (RMD) District. Provides for medium density residential development up to approximately 22 dwelling units per gross acre, including single-family (attached and detached), two-family, and multi-family.

Multifamily Residential (MFR) District. Provides for medium-to-high density residential development up to approximately 36 dwelling units per gross acre, including single-family, (attached and detached), two-family, and multi-family.

20.10.020 Residential Districts:Land Use Regulations

The following schedule establishes the land uses defined in Chapter 20.05 as permitted or conditionally permitted in residential districts, and includes special requirements, if any, applicable to specific uses. The letter “P” designates use classifications permitted in residential districts. The letter “L” designates use classifications subject to certain limitations prescribed under the “Additional Use Regulations” which follows. The letters “UP” designate use classifications permitted on approval of a use permit, as provided in Chapter 20.91 or 20.91A. The letters “PD/U” designate use classifications permitted on approval of a use permit issued by the Planning Director, as provided in Chapter 20.91 or 20.91A. The letters “P/UP” designate use classifications which are permitted when located on the site of another permitted use, but which require a use permit when located on the site of a conditional use. Letters in parentheses in the “Additional Regulations” column refer to “Additional Use Regulations” following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

Residential Districts: Land Use Regulations

P = Permitted
UP = Use permit
UP-OFC = Use permit issued by a Hearing Officer
PD/U = Use permit issued by the Planning Director
L = Limited (see Additional Use Regulations)
--- = Not Permitted

	R-A	R-1	R-1.5	R-2	MFR	Additional Regulations
RESIDENTIAL						(A), (B), (C), (O), (P), (Q) (N)
DAY CARE, LIMITED						
-LARGE FAMILY CHILD CARE HOMES	PD/U	PD/U	PD/U	PD/U	PD/U	
-SMALL FAMILY CHILD CARE HOMES	P	P	P	P	P	
GROUP RESIDENTIAL	---	---	---	---	---	
MULTI-FAMILY RESIDENTIAL	---	---	---	---	P	(D)
PAROLEE/PROBATIONER HOME	---	---	---	---	---	
RESIDENTIAL CARE FACILITIES, GENERAL LICENSED	---	---	---	---	UP-OFC	
RESIDENTIAL CARE FACILITIES, GENERAL UNLICENSED	---	---	---	---	UP-OFC	
RESIDENTIAL CARE FACILITIES, SMALL LICENSED	P	P	P	P	P	
RESIDENTIAL CARE FACILITIES, SMALL UNLICENSED	---	---	---	---	UP-OFC	
INTEGRAL FACILITIES/INTEGRAL USES	---	---	---	---	UP-OFC	
SINGLE FAMILY RESIDENTIAL	P	P	P	P	P	(D), (E), (M)
TWO-FAMILY RESIDENTIAL	---	---	P	P	P	(D)
PUBLIC AND SEMI-PUBLIC						(A), (B), (C), (P), (Q)
CEMETERIES	---	L-1	L-1	L-1	L-1	
CLUBS AND LODGES	---	L-2	L-2	L-2	L-2	
DAY CARE, GENERAL	---	UP	UP	UP	UP	(N)
GOVERNMENT OFFICES	---	UP	UP	UP	UP	
PARK & RECREATION FACILITIES	UP	UP	UP	UP	UP	
PUBLIC SAFETY FACILITIES	UP	UP	UP	UP	UP	
RELIGIOUS ASSEMBLY	UP	UP	UP	UP	UP	
SCHOOLS, PUBLIC AND PRIVATE	UP	UP	UP	UP	UP	
UTILITIES, MAJOR	UP	UP	UP	UP	UP	
UTILITIES, MINOR	P	P	P	P	P	
COMMERCIAL USES						(A), (B), (C), (P), (Q)
HORTICULTURE, LIMITED	P	---	---	---	---	

Residential Districts: Land Use Regulations

P = Permitted
UP = Use permit
UP-OFC = Use permit issued by a Hearing Officer
PD/U = Use permit issued by the Planning Director
L = Limited (see Additional Use Regulations)
--- = Not Permitted

	R-A	R-1	R-1.5	R-2	MFR	Additional Regulations
NURSERIES	PD/U	---	---	---	---	
VEHICLE/EQUIPMENT SALES AND SERVICES						
-COMMERCIAL PARKING FACILITY	---	L-3	L-3	L-3	L-3	
VISITOR ACCOMMODATIONS						
-BED & BREAKFAST INNS	---	---	---	UP	UP	(F)
AGRICULTURAL AND EXTRACTIVE USES						(A), (B), (C), (Q)
ANIMAL HUSBANDRY	PD/U		---	---	---	(G)
CROP PRODUCTION	P	---	---	---	---	
MINING AND PROCESSING	L-4	L-4	L-4	L-4	L-4	(H)
ACCESSORY USES						(A), (B), (C), (Q)
ACCESSORY STRUCTURES AND USES	P/UP	P/UP	P/UP	P/UP	P/UP	(I)
TEMPORARY USES						(A), (B), (C), (Q)
CIRCUSES AND CARNIVALS	P	P	P	P	P	(K)
COMMERCIAL FILMING, LIMITED	P	P	P	P	P	(K)
PERSONAL PROPERTY SALES	P	P	P	P	P	(L)
HELIPORTS, TEMPORARY	L-5	---	---	---	L-5	(J)
REAL ESTATE OFFICES, TEMPORARY	L-5	L-5	L-5	L-5	L-5	(B)

Residential Districts: Additional Land Use Regulations

L-1 20 acres minimum.

L-2 Limited to yacht clubs, use permit required.

L-3 Public or no fee private lots for automobiles may be permitted in any residential district adjacent to any commercial or industrial district subject to the securing of a use permit in each case.

L-4 See Chapter 20.81: Oil Wells.

L-5 Subject to the approval of the Planning Director.

(A) See Section 20.60.025: Relocatable Buildings.

- (B) See Section 20.60.015: Temporary Structures and Uses.
- (C) See Section 20.60.050: Outdoor Lighting.
- (D) With the exception of uses in the R-1 Zone, any dwelling unit otherwise permitted by this Code may be used for short term lodging purposes as defined in Chapter 5.95 of the Municipal Code subject to the securing of:
 - 1. A Business License pursuant to Chapter 5.04 of the Municipal Code.
 - 2. A Transient Occupancy Registration Certificate pursuant to Section 3.16.060 of the Municipal Code.
 - 3. A Short Term Lodging Permit pursuant to Chapter 5.95 of the Municipal Code.
- (E) See Chapter 20.85: Accessory Dwelling Units.
- (F) See Section 20.60.110: Bed and Breakfast Inns.
- (G) Keeping of Animals in the R-A District. The following regulations shall apply to the keeping of animals in the R-A District:
 - 1. Large Animals. The keeping of large animals (as defined in Section 20.030.030) shall be subject to the following regulations:
 - a. Horses. One horse may be kept for each 10,000 square feet of lot area, up to a maximum of 3 horses, provided the horse or horses are kept for recreational purposes only. The keeping of 4 or more horses for recreational uses shall require a use permit issued by the Planning Director. The keeping of horses for commercial purposes shall require a use permit issued by the Planning Commission.
 - b. Other Large Animals. Other large animals, including goats, sheep, pigs and cows, may be kept on lots of 15,000 square feet or more and the number shall not exceed 2 adult animals of any one species.
 - c. Total Number Permitted. The total number of large animals shall not exceed 6. Offspring are exempt until such time as they are weaned.
 - 2. Domestic and Exotic Animals. The number of domestic and exotic animals (as defined in Section 20.03.030) shall not exceed 6. Offspring are exempt up to the age of 3 months. The keeping of 4 or more dogs over the age of three 3 months shall require a kennel license pursuant to Section 7.04.090 of the Municipal Code. The

keeping of wild animals shall require a permit pursuant to Chapter 7.08 of the Municipal Code.

3. Small Animals. The number of small animals, other than domestic and exotic animals (as defined in Section 20.03.030), shall not exceed 6. Offspring are exempt up to the age of 3 months.

4. Control.

a. Domestic Animals. No such animals, except for cats, shall be permitted to run at large, but shall be confined, at all times within a suitable enclosure or otherwise under the control of the owner of the property.

b. Other Animals. No animal, other than domestic animals, shall be permitted to run at large, but shall be confined, at all times within a suitable enclosure.

(H) See Chapter 20.81: Oil Wells.

(I) See Section 20.60.100: Home Occupations in Residential Districts.

(J) See Section 20.60.055: Heliports and Helistops

(K) Special event permit required, see Chapter 5.10 of the Municipal Code.

(L) See Section 20.60.120: Personal Property Sales in Residential Districts.

(M) See Section 20.60.125: Design Standards for Mobile Homes on Individual Lots.

(N) See Section 20.60.130: Day Care Facilities for Children.

(O): No residential use constituting a single housekeeping unit may offer or provide services to persons not residing on the site, unless the City has approved a use permit allowing such use, or in compliance with Section 20.60.100: Home Occupations in Residential Districts.

(P): Persons with disabilities may request a reasonable accommodation from the provisions of the zoning ordinances under Chapter 20.98: Reasonable Accommodations.

(Q): All uses must obtain business licenses if required by Chapter 5.04 of the Municipal Code.

20.10.030 Residential Districts:Property Development Regulations

The following schedule prescribes development regulations for residential districts. The columns prescribe basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in this code.

Residential Districts: Property Development Regulations

	R-A	R-1	R-1.5	R-2	MFR	RMD	Additional Regulations
Minimum Site Area per Unit (sq.ft.)	---	---	1,000	1,000	1,200	3,000	(A), (B)
Minimum Lot Area (sq. ft.)	87,120	5,000	5,000	5,000	5,000	5,000	(A)
-Corner Lots (sq. ft.)	87,120	6,000	5,000	6,000	6,000	6,000	(A)
Minimum Lot Width (ft.)	125	50	---	50	50	---	(A)
-Corner Lots (ft.)	125	60	---	60	60	---	(A)
Minimum Yards:							
Front (ft.)	20	20	20	20	20	20	(C), (D), (E), (F), (H), (K)
Side (ft.)	5	3;4	3;4	3;4	3;4	5	(C), (D), (E), (G), (H)
Corner Side (ft.)	5	3;4	3;4	3;4	3;4	5	(C), (D), (E), (G), (H)
Rear (ft.)	5;25	10	10	10	10	25	(C), (D), (E), (H), (Q)
-Abutting an alley (ft.)							(I)
Distance Between Detached Buildings							(J)
Maximum Height (ft.)							(K), (L)
Maximum Floor Area Limit	---	2.00	1.50	2.00	1.75	---	(K), (M)
Maximum Coverage	40%				---	---	(N)
Required Open Space					---	---	(K), (O)
Off-Street Parking and Loading							(P)

Residential Districts: Additional Property Development Regulations

(A) See Chapter 19.68 in Title 19: Merger of Contiguous Lots.

(B) See Section 20.60.045: Slopes and Submerged Lands.

- (C) See Section 20.60.030: Extensions Into Yards.
- (D) See Section 20.60.020: Accessory Structures and Mechanical Equipment.
- (E) For All Property Development Regulations: In addition to the lot area, width, and other requirements set forth preceding, subdivisions shall comply with the provisions of Title 19 (*Subdivision Code*), as amended.
- (F) R-1, R-1.5, R-2, and MFR Districts. The minimum depth required for front yards shall be 20 feet, except as may be otherwise indicated on the Districting Maps. Distances shown on the Districting Maps are to be measured from the front property line, unless a different line is shown on the Districting Map.
- (G) R-1, R-1.5, and R-2, Districts. Each side yard shall be not less than 3 feet wide on development sites 40 feet wide or less, or 4 feet on lots wider than 40 feet; provided, that the side yard on the rear 20 feet of the street side of a corner lot, where there is reversed frontage, shall not be less than the front yard required or existing on the adjacent reversed frontage.

MFR District. Each side yard shall not be less than 3 feet wide on sites 40 feet wide or less; 4 feet wide on lots wider than 40 feet and narrower than 50 feet; and shall be equal in width to 8 percent of the average lot width for lots 50 feet or greater in width; provided that in no event shall a side yard wider than 25 feet be required; and provided further that the side yard on the rear 20 feet of the street side of a corner lot, where there is reversed frontage, shall not be less than the front yard required or existing on the adjacent reversed frontage.

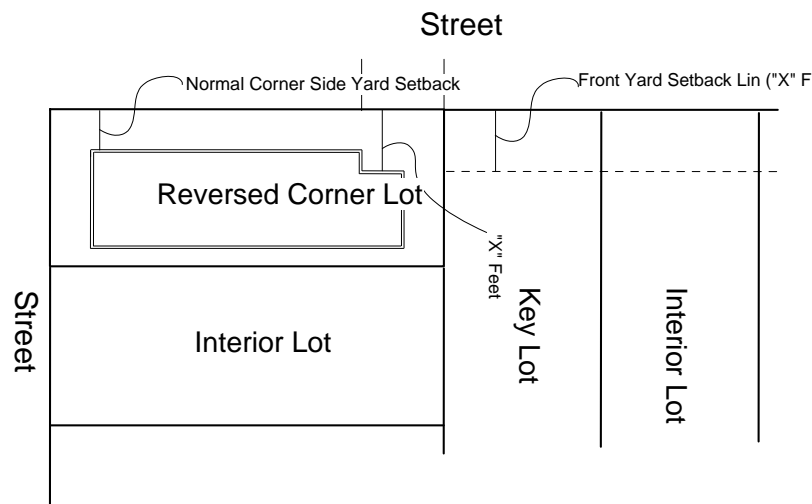


Diagram 20.10.030 (G): Setbacks on Reversed Frontages

- (H) R-A District. All structures housing animals (i.e., corrals, stalls, pens, cages, doghouses) shall maintain the following setbacks:

	From Public Rights-of-Way	From Another R-A District Property	From Properties in Other Zoning Districts
Front	50	---	---
Side	20	5	25
Rear	20	5	25

In addition to the setbacks established above, all structures housing animals shall be located a minimum of 35 feet from any building used as a dwelling on adjacent properties.

All animal exercise areas and pasturing areas (i.e., paddocks, runs, racecourses, show grounds) may be located at the property line, however, shall maintain a 25 foot setback from the front property line abutting a public right-of-way and a 10 foot setback from any side property line abutting a public right-of-way.

- (I) In residential districts having alleys to the rear of lots or development sites shall maintain the following setbacks from rear property line, clear of all obstructions, except as provided in Section 20.60.030 (A-6) and Section 20.60.030 (I):

<u>Alley Width</u>	<u>Setback</u>
15' or less	5'
15'-1" to 19'-11"	3'-9"
20' or more	0'

Roll-up garage doors shall be required when garage door openings are located closer than 22 feet to alleys with widths of 20 feet or more.

- (J) R-1.5, R-2, MFR and RMD Districts. 10 feet shall be maintained between buildings. This requirement shall not apply to buildings attached by a solid roof structure, a minimum of 4 feet wide.
- (K) R-1, R-2, and MFR Districts in Corona del Mar and R-1 District in West Newport, and the Balboa Peninsula. See Section 20.10.040: Special Development Regulations for Corona del Mar, West Newport, and the Balboa Peninsula.
- (L) See Chapter 20.65: Height Limits.
- (M) R-1, R-1.5, and R-2 Districts. The total gross floor area in all buildings and structures on a development site shall not exceed the following:

R-1 District: 2 times the buildable area of the site.

R-1.5 District: 1.5 times the buildable area of the site.

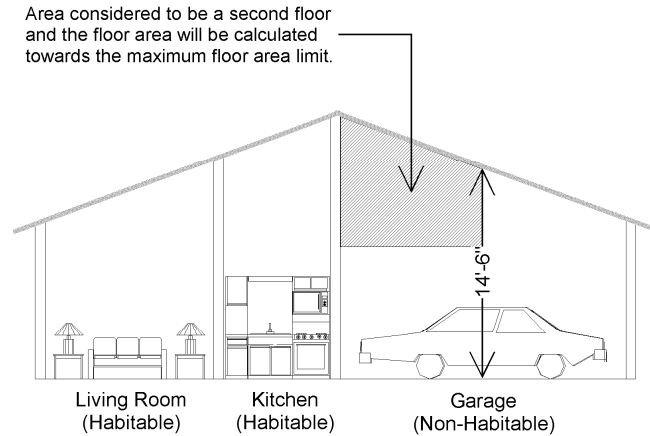
R-2 District: 2 times the buildable area of the site.

Exceptions. The following structures shall not be included in the calculation of the gross floor area:

1. Covered parking spaces which are open on at least 2 sides, or open on one side and one end and which are not needed to meet off-street parking requirements for covered parking.
2. R-1.5 District. 200 square feet of floor area used for enclosed parking for two or more parking spaces.
3. 25 square feet of storage area adjacent to or a part of a parking space on a lot less than 32 feet wide; provided that no plumbing is located in said area, and provided that 3 parking spaces are provided side by side across one end of the lot.
4. Decks, balconies or patios open on at least 2 sides or open on one side and uncovered.

MFR District. The total gross floor area contained in all buildings and structures on a development site shall not exceed 1.75 times the buildable area of the site; provided that up to 200 square feet of floor area per required parking space devoted to enclosed parking shall not be included in calculations of total gross floor area.

Calculation. The gross floor area shall consist of the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet. Internal shafts, such as elevator shafts, dumbwaiter shafts, ventilation shafts, and similar vertical shafts shall be counted as floor area on one floor level only. Non-habitable rooms and spaces of a building, with the exception of bath or toilet rooms, connecting corridors, foyers, and stairwells, that measure more than 14 feet 6 inches from finished floor to the ceiling above finished floor shall be considered to occupy two floor levels and the floor area of each level shall therefore be calculated towards the maximum floor area limit.



- (N) R-1, R-1.5, R-2, and MFR Districts. The maximum development site area permitted shall be full coverage, less required front, side and rear yards.
- (O) R-2 District. Open space shall be provided in addition to the required setbacks and separations between detached structures. This additional open space shall be a volume of space equal to the buildable width of the lot, times the basic height limit, times 6 feet and may be provided anywhere on the lot behind the required setback lines. This open space shall be open on at least 2 sides and shall have a minimum dimension in all directions of at least 6 feet, except as indicated in this section, and may be used for outdoor living area. Open space with a dimension of less than 6 feet in any direction may be included in the required volume of open space, provided that said space is contiguous to required open space that provides a minimum 6 foot dimension in all directions. Roofs, balconies, decks, patios, cornices, exterior stairways with open risers and open railings, and architectural features may project into this area. This additional open space may be provided on any level or combination of levels and may extend across the entire structure of any portion thereof.

MFR District. An open space volume equal to 6 times the buildable area of the lot shall be provided in addition to any required setbacks. This open space shall be open on at least 2 sides, one of which may be the sky. Roofs, balconies, decks, patios, cornices, exterior stairways, and architectural features may project into this area. At least 50 percent of the required open space shall be open to the sky and open on at least 2 additional sides, except for eaves and architectural features which may project into areas otherwise open to the sky. Required open space shall have a minimum dimension in all directions of at least 6 feet, except as indicated in this section, and may be used for outdoor living area. Open space with a dimension of less than 6 feet in any direction may be included in the required volume of open space, provided that said space is contiguous to required open space that provides a minimum 6 foot dimension in all directions. This additional open space may be provided on any level or combination of levels and may extend across the entire structure or any portion thereof. A minimum of 25 percent of the required open space shall be contiguous to the required front yard setback, and a minimum of 25 percent of the required open space shall be contiguous to the required rear yard setback.

- (P) See Chapter 20.66: Off-Street Parking and Loading.
- (Q) R-1, R-1.5, R-2, and MFR Districts. The minimum depth required for rear yards abutting or adjacent to the waterfront of Newport Bay, the shoreline of the Pacific Ocean, the Old Channel of the Santa River (the Oxbow Loop), or the channels of West Newport shall be 10 feet, except as may be otherwise indicated on the Districting Maps. Distances shown on the Districting Maps are to be measured from the rear property line, unless a different line is shown on the Districting Map.

20.10.040 Special Development Regulations for Corona del Mar, West Newport, and the Balboa Peninsula

- A. Applicability. The residential development standards contained in this section shall apply to all dwellings located in the R-1 and R-2 Districts in Corona del Mar, and in the R-1 District in West Newport and the Balboa Peninsula as those areas are more particularly described below. Dwellings in those areas shall also be subject to all other provisions of this code. Where there is a conflict between this chapter and another provision of this code, the provisions of this chapter shall be controlling.

1. The areas of Corona del Mar in which the provisions of this chapter shall be controlling are more particularly described as follows:

That area commonly referred to as old Corona del Mar generally bounded by Avocado Avenue, Pacific Coast Highway, Fifth Avenue, the easterly boundary of the Corona del Mar tract, the Pacific Ocean and the Harbor entrance; and more specifically described as that area included in Annexation #3 as described in Ordinance No. 252 of the City of Newport Beach, approved on February 27, 1924.

2. The areas of West Newport and the Balboa Peninsula in which the provisions of this chapter shall be controlling are more particularly described as follows:

That area commonly referred to as West Newport and the Balboa Peninsula generally bounded by the Semeniuk Slough, Pacific Coast Highway, the West Lido Channel, the Newport Channel, the Main Channel, the Harbor Entrance, the Pacific Ocean and the Santa Ana River, and more specifically described as follows:

Beginning at the intersection of the westerly boundary of the City of Newport Beach and the Mean High Tide Line of the Pacific Ocean; thence proceeding northerly along said City Boundary to the intersection of said Boundary with the northerly right-of-way line of Pacific Coast Highway; thence due East a distance of 1" foot to an intersection with the City Boundary on the easterly side of that certain 1 foot strip shown on Annex No. 21, Ordinance No. 630, 10/31/1950; thence proceeding easterly, northerly, easterly and southerly along said City Boundary to an intersection with the northerly right-of-way line of Pacific Coast Highway; thence proceeding southerly along a perpendicular to said right-of-way line to the center-line of Pacific Coast Highway; thence easterly along said centerline to an intersection with the centerline of Newport Boulevard; thence southerly along said centerline of Newport Boulevard to an intersection with the southerly Bulkhead of

the Newport Island Channel, said point being westerly of U.S. Bulkhead Station #126 on the U.S. Bulkhead Line; thence easterly to said U.S. Bulkhead Station #126; thence continuing along the U.S. Bulkhead Line to U.S. Bulkhead Station #114; thence northeasterly in a straight line to U.S. Bulkhead Station #162; thence southerly in a straight line to U.S. Bulkhead Station #113, and thence proceeding along the U.S. Bulkhead to U.S. Bulkhead Station #107; thence continuing southerly along the prolongation of the U.S. Bulkhead Line to an intersection with the Mean High Tide Line; thence westerly and northwesterly along said Mean High Tide Line to the point of Beginning.

B. Floor Area Limit

1. In the R-1, R-2, and MFR Districts in the area designated as Old Corona del Mar, the total gross floor area (excluding those structures excepted under Section 20.10.030) shall not exceed 1.5 times the buildable area of the site.
2. Calculation. The gross floor area shall consist of the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet. Internal shafts, such as elevator shafts, dumbwaiter shafts, ventilation shafts, and similar vertical shafts shall be counted as floor area on one floor level only. Non-habitable rooms and spaces of a building, with the exception of bath or toilet rooms, connecting corridors, foyers, and stairwells, that measure more than 14 feet 6 inches from finished floor to the ceiling above finished floor shall be considered to occupy two floor levels and the floor area of each level shall therefore be calculated towards the maximum floor area limit.
3. Pacific Drive - Buildable Area. For purposes of determining the buildable area for structures located on the bluff (southerly) side of Pacific Drive between Avocado Avenue and the southerly side of the prolongation of the line of the westerly side of Begonia Avenue, a front yard setback of 10 feet shall be used (the setback for the location of all structures as designated on the Districting Maps shall be used).

- C. Open Space Option. In the R-1 and R-2 Districts as designated in this section, open space shall be provided in addition to the required front yard setback. This additional open space shall be a volume of space equal to the buildable width of the lot, times the basic height limit, times 6 feet and may be provided anywhere on the lot behind the required yard setback lines. This open space shall be open on at least 2 sides and shall have a minimum dimension in any direction of at least 6 feet, except as indicated in this section, and may be used for outdoor living area. Open space with a dimension of less than 6 feet in any direction may be included in the required volume of open space, provided that said space is contiguous to required open space that provides a minimum 6 foot dimension in any direction. Roofs, balconies, decks, patios, cornices, exterior stairways with open risers and open railings, and

architectural features may project into this area. This additional open space may be provided on any level or combination of levels and may extend across the entire structure or any portion thereof.

- D. Pacific Drive – Front Yard Setback. Front-loaded garages and carports on the bluff southerly side of Pacific Drive between Avocado Avenue and the southerly side of the prolongation of the line of the westerly side of Begonia Avenue shall maintain a minimum front yard setback of 19 feet from the front property line.